

ORDINANCE 8420

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, THE QUESTION OF AMENDING ARTICLE II SECTIONS 3, 4, 5, 7, 8, 14, and 15 OF THE BOULDER CITY CHARTER TO PROVIDE FOR THE DIRECT ELECTION OF THE MAYOR BY RANKED CHOICE (INSTANT RUNOFF) VOTING; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO

Section 1. A municipal coordinated election will be held in the City of Boulder, County of Boulder and State of Colorado, on Tuesday, November 3, 2020.

Section 2. At that election, a question shall be submitted to the electors of the City of Boulder that will allow voters to consider the following amendment to Sections 3, 4, 5, 8, 14, and 15 of the City Charter to amend the charter to provide for the direct election of the mayor by ranked choice voting, and to set the term of office and term limits for the mayor. The material to be added to the Charter is shown by double underlining and material to be deleted is shown stricken through with solid lines.

Section 3. Article II, shall be amended to read as follows:

....

**Sec. 3. - Legislative officers-the council.**

The legislative officers of the city shall consist of the mayor and nine ~~eight~~ council members elected from the city at large, each having an equal vote, and collectively called the council.

1 **Sec. 4. - Qualifications of council members and the mayor.**

2 No person shall be eligible to office as council member or mayor unless, at the time of  
3 the election, such person is a qualified elector as defined by the laws of the State of Colorado, at  
4 least twenty-one years of age, and shall have resided in the City of Boulder for one year  
immediately prior thereto.

5 No person shall be eligible to the office of a council member if such person has  
6 previously been elected to three or more terms of office. No person shall be eligible to the office  
of mayor if such person has previously served eight years as mayor, or if such person has  
previously served three terms as a council member and four years as mayor.

7 **Sec. 5. - Terms of office-election-recall.**

8 The terms of office for council members shall be four years and two years as hereinafter,  
9 provided: beginning with the 2023 regular municipal election, when the mayor shall first be  
elected pursuant to section 14 of this charter, the four candidates receiving the highest number of  
10 votes shall be elected for four-year terms, and the candidate receiving the fifth highest number of  
votes shall be elected for a two-year term.

11 The term of office for the mayor shall be two years.

12 If there shall be vacancies to be filled at a general municipal election, other than those  
13 occurring due to the expiration of a regular term, the vacancy term shall be for two years, and  
14 additional council members or a mayor shall be elected until there shall be a council of ~~nine~~ eight  
council members and a mayor.

15 In the event that a council member whose term is not ending the November of the  
election wins election to the office of mayor in the regular municipal election, then the council  
16 candidate receiving the fifth highest number of votes in that same election shall complete that  
council member's term.

17 The terms of all council members and the mayor shall begin at 10:00 a.m. on the third  
18 Tuesday in November following their respective elections. In the event that one or more of the  
19 prevailing candidates is not determined by such time because the vote count is incomplete or  
inconclusive, or a recount is required, the terms for such council member(s) shall not begin until  
20 the business day following the final determination of the election results for that candidate. All  
council members and the mayor shall be subject to recall as provided by this charter.

21 ....

22 **Sec. 7. - Compensation.**

23 Council members and the mayor shall receive as compensation \$100.00 per meeting at  
24 which a quorum of city council is present, not to exceed fifty-two meetings per calendar year,  
plus an annual escalation each January 1 in a percentage equivalent to any increase over the past  
25 year in the Consumer Price Index (All Items) for the statistical area which includes the city

maintained by the United States Department of Labor, Bureau of Labor Statistics; this amendment shall become effective January 1, 1990. For purposes of this section only, a “meeting” shall mean a gathering of a quorum of the council, which gathering is noticed to the public as a regular or special meeting as provided in this Charter. Council members serving on January 1, 2020 and after may elect to receive benefits under the same terms and conditions that are available to full-time city employees including without limitation participation in city health, vision, dental, and life insurance plans.

#### **Sec. 8. - Vacancies.**

A vacancy shall exist ~~in the council~~ whenever a duly elected mayor or council member fails to qualify within ten days after notice of the election, dies, resigns, removes from the city, is absent from five consecutive regular meetings of the council unless formally excused therefrom, is convicted of a felony while in office, or is judicially declared incompetent ~~a lunatic~~; or, in case of a recall, no successor is elected, or if elected, fails to qualify.

If a vacancy occurs, or two council vacancies or one council vacancy and a mayoral vacancy come to exist at the same time, other than those occurring due to the expiration of regular terms, then:

- (a) If the vacancy or vacancies occur in a calendar year before August 1, then the election shall be held in November of that calendar year. Otherwise it will be held at the November election of the next calendar year.
- (b) However, an election to fill a vacancy may be held on a date earlier than those noted above if another city election is scheduled for the earlier date and if council determines, based upon the certification of the designated election official, that it is feasible to schedule the election on that earlier date.

If three or more council and/or mayoral vacancies come to exist at the same time, other than those occurring due to the expiration of regular terms, then a special election shall be held on a Tuesday within ninety days of the date on which a total of three or more vacancies first exists, or as soon thereafter as is feasible as determined by the city manager.

If more than four council and/or mayoral vacancies exist, prior to the special election to fill those vacancies a quorum of the council shall be comprised of a majority of all of the remaining council members.

The nomination of candidates to be voted for at any election made necessary by operation of this provision, the publication of notice, and the conduct of the same shall all be in conformity with the provisions of this charter relating to elections, but the council may, in the motion calling for the election, adjust the times for checking petitions, correcting or replacing signatures, completion and filing of petitions, withdrawal from nomination, and certification of filing of the list of candidates, as may reasonably be required to accommodate the date set for the election.

1 If a vacancy exists in the office of mayor, the mayor pro tem shall serve as acting mayor  
2 until a new mayor is elected and takes office pursuant to this section.

3 ....

4 **Sec. 14. - Selection and term of office of mayor.**

5 If three or more candidates run for the office of mayor, then the election shall be  
6 conducted by ranked choice (instant runoff) voting. The presiding officer of the council shall be  
7 called mayor. The mayor shall be chosen by the council from its own number, upon the  
8 convening of the new council, following each general municipal election. The mayor shall serve  
9 as mayor for a term of two years, and until a successor is duly chosen and qualified. The mayor  
10 may be removed from the office of mayor (but not from the office of council member) by a two-  
11 thirds vote of all members of the council, and thereupon, or in case of vacancy from any other  
12 cause, the council shall choose a successor for the unexpired term.

13 **Sec. 15. - Powers and duties of mayor.**

14 The mayor shall have all the powers, rights, and privileges of a council member. The  
15 mayor shall preside at meetings of the council and perform such other duties consistent with the  
16 office as may be imposed by this charter or by the council. The mayor shall have no power of  
17 veto. The mayor shall be recognized as the official head of the city for all ceremonial purposes,  
18 by the courts for serving civil processes, and by the governor for military purposes. In time of  
19 emergency, the mayor shall, if the council so orders, take command of the police and maintain  
20 and enforce the laws, temporarily superseding the city manager in police affairs. The mayor shall  
21 be ex officio a member of all council committees. During the mayor's absence or disability, the  
22 mayor's duties shall be performed by the mayor pro tem ~~an acting mayor, appointed by the~~  
23 ~~council from its own number.~~

24 Section 4. The official ballot shall contain the following ballot title, which shall also be  
25 the designation and submission clause for the measure:

**Ballot Question No. \_\_\_\_**

**Charter Amendments Related to Direct Election of the Mayor**

Shall Article II, Sections 3, 4, 5, 7, 8, 14, and 15 of the Boulder  
City Charter be amended to provide for the direct election of the  
mayor by ranked choice (instant runoff) voting?

For the Measure \_\_\_\_

Against the Measure \_\_\_\_

1        Section 5. If this ballot measure is approved by the voters, the Charter shall be so amended,  
2 and the City Council may adopt any necessary amendments to the Boulder Revised Code to  
3 implement this change.

4        Section 6. If any section, paragraph, clause, or provision of this ordinance shall for any  
5 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining  
6 provisions of this ordinance.

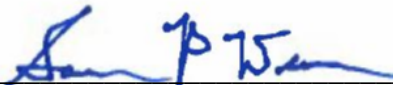
7        Section 7. The election shall be conducted under the provisions of the Colorado  
8 Constitution, the Charter and ordinances of the city, the Boulder Revised Code, 1981, and this  
9 ordinance.

10       Section 8. The officers of the city are authorized to take all action necessary or appropriate  
11 to effectuate the provisions of this ordinance and to contract with the county clerk to conduct the  
12 election for the city.

13       Section 9. This ordinance is necessary to protect the public health, safety, and welfare of  
14 the residents of the city, and covers matters of local concern.

15       Section 10. The city council deems it appropriate that this ordinance be published by title  
16 only and orders that copies of this ordinance be made available in the office of the city clerk for  
17 public inspection and acquisition.  
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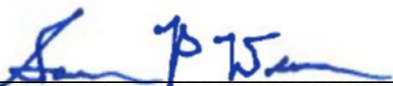
1 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
2 TITLE ONLY, this 11th day of August 2020.

3  
4   
5 Sam Weaver,  
Mayor

6 Attest:

7  
8 Debbie L Stamp  
9 ~~Pamela Davis,~~ Debbie Stamp,  
~~City Clerk~~ Acting Deputy City Clerk

10 READ ON SECOND READING, PASSED AND ADOPTED, this 1st day of September  
11 2020.

12   
13 Sam Weaver,  
14 Mayor

15 Attest:

16  
17 Debbie L Stamp  
18 ~~Pamela Davis,~~ Debbie Stamp,  
19 ~~City Clerk~~ Acting Deputy City Clerk